IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 319 OF 2006
IN
NOTICE OF MOTION NO. 347 OF 2006
IN
SUIT NO. 336 OF 2006

Metha Herbals Pvt.Ltd. ... Appellants.
Versus.
Procter & Gamble Hygiene
& Health Care Ltd. and anr. ... Respondents.

Shri I.M.Chagla, Senior Counsel with Shri Salil Shah
i/by M/s.Gajria & Co. for the Appellants.

Shri N.H.Seervai, Senior Counsel with Shri Rahul
Chitnis i/by M/s.P.S.K.Legal for the Respondents.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : 10th July, 2006.

P.C.:

1. This Appeal is directed against the order dated 3rd April 2006 passed by the learned single Judge refusing to vacate ad-interim relief granted in faour of the Respondents-Plaintiffs in the Notice of Motion taken out by them. In view of the fact that the Notice of Motion taken out by the Respondents is pending before the learned single Judge, we do not propose to entertain this Appeal. It is desirable that the Notice of Motion pending before the learned Single Judge is heard and decided on merits.

2. In the circumstances, we direct the parties to complete the pleadings in the Notice of Motion pending

before the learned single Judge within a period of four weeks. The learned single Judge shall make endeavour to see to it that the Notice of Motion is heard and disposed of within four weeks thereafter.

3. The Appeal disposed of in the above terms with no order as to costs.

4. Notice of Motion No.1376 of 2006 does not survive and the same is disposed of accordingly.

CHIEF JUSTICE

ABHAY S.OKA, J.